

SB 791 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 3/28

WHAT THE MEASURE DOES:

Establishes criteria for determining the existence or lack of a new ground water use causing impairment or interference with a water right with an earlier priority date. States that interference or impairment occurs only if a ground water use causes a decrease in available water that becomes measurable within one season of use, is 0.1 cubic feet per second or more, and results in the available water being insufficient to satisfy the earlier water right.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

By law, all surface and groundwater in Oregon belongs to the public and is to be used for a beneficial purpose without waste. Any user, with some exceptions, must obtain a water right to use water from any source including rivers, streams, lakes, and groundwater. Oregon’s water laws are based on the principal of “prior appropriation.” That is, the first person to obtain a water right to a water source is the last to be shut off in times of low water availability. The date of application for a water use permit is typically the priority date for the water right.

Senate Bill 791 would establish criteria for determining whether a new ground water use impairs or interferes with a water right that has an earlier priority date.